

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT**

DAN ROADHOUSE, individually and  
on behalf of a class of others similarly  
situated,

*Plaintiff-Appellant,*

v.

LAS VEGAS METROPOLITAN POLICE  
DEPARTMENT,

*Defendant-Appellee.*

No. 13-15618

D.C. No. 2:09-cv-00033-JCM-VCF  
District of Nevada,  
Las Vegas

**UNOPPOSED MOTION TO VOLUNTARILY DISMISS APPEAL**

Plaintiff-Appellant Dan Roadhouse, through undersigned counsel, hereby moves, pursuant to Federal Rule of Appellate Procedure 42(b), to voluntarily dismiss his appeal. Counsel for Plaintiff-Appellant has consulted with counsel for Defendant-Appellee in the action below, who consent to this voluntary dismissal, with each side to bear its own costs.

Accordingly, Plaintiff-Appellant respectfully requests that the Court grant his unopposed motion for voluntary dismissal.

Dated: April 18, 2013

Respectfully submitted,

OF COUNSEL:

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**CERTIFICATE OF FILING AND SERVICE  
FOR DOCUMENTS FILED USING CM/ECF**

I hereby certify that I have served the foregoing motion by filing it on the Court's ECF system, which will effect notice to all counsel in the action below, and by electronic mail, this 18<sup>th</sup> day of April, 2013 to the following counsel:

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*Attorneys for Defendant-Appellee  
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April 18, 2013

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/s/ Michael J. Flannery

Michael J. Flannery